

**UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF PENNSYLVANIA**

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**ELAINE L. CHAO, SECRETARY OF LABOR  
UNITED STATES DEPARTMENT OF LABOR**

**Plaintiff,**

**CIVIL ACTION**

**v.**

**NO. 04-1002**

**MARILYN CONSTABLE; MYRON RODZAY;  
AGOSTINO CORSO, RANDY CELLONE;  
JAMES GALICIC; LOCAL 19, BAKERY  
CONFECTIONERY TOBACCO WORKERS  
and GRAIN MILLERS UNION; NATIONAL  
CITY BANK OF PENNSYLVANIA; DOLLAR  
BANK, F.S.B.; THE VANGUARD GROUP, INC.  
THE AMERICAN FUNDS GROUP, INC.;  
ADVEST, INC.; SKY BANK, successor by merger  
to THREE RIVERS BANK AND TRUST, successor  
by merger to COMMUNITY SAVINGS BANK  
and the ABC LOCAL NO. 12 EMPLOYER AND  
EMPLOYEE LIFE BENEFIT FUND,**

**Defendants**

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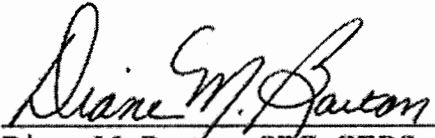
**MOTION TO APPROVE INDEPENDENT FIDUCIARY FEES**

David Lipkin of Metro Benefits, Inc., 4900 Perry Highway, Pittsburgh, PA 15229, as the Independent Fiduciary for the ABC Local No. 12 Employer and Employee Life Benefit Fund, hereby moves that the Court approve the payment of fees incurred by David M. Lipkin, F.S.A. as Independent Fiduciary and Metro Benefits, Inc. for the period from 9/17/05 to 3/31/06 in the amount of \$4,747.50.

1. Attached as Exhibit A to this Motion is the Invoice for \$4,747.50 and supporting Timeslip worksheets detailing the duties performed by David M. Lipkin, F.S.A. and by Metro Benefits, Inc. on behalf of the Plan.

2. Attached as Exhibit B to this Motion is a signed Action and Consent by Independent Fiduciary authorizing the payment of all expenses incurred in conducting the business of the Plan.

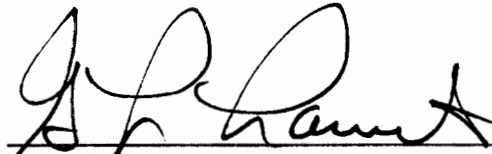
Date: 5/25/06

  
Diane M. Barton, CPC, CEBS  
Managing Consultant

**ORDER**

It is hereby Ordered that the fees of \$4,747.50 are approved

Date: 5/26/06

  
Gary L. Lancaster  
United States District Judge